

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) CRIMINAL NO. *04-10018-WGY*
)
)
v.) VIOLATIONS:
)
ELIZABETH W. BAKER,) 18 U.S.C. § 1341 (Mail Fraud)
) 18 U.S.C. § 2314 (ITSP)
)
Defendant)
)

AMENDED INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

1. At all times material to this Information, Defendant ELIZABETH W. BAKER, (hereafter, "BAKER") was an individual who resided at 163 Windsor Drive, Whitman, Massachusetts.
2. At all times material to this Information, Robert K. Gordon, Esq. (hereafter, "Gordon") was an attorney with his principal place of business at 37 Belmont Street, Brockton, Massachusetts.
3. At all times material to this Information, BAKER worked as a secretary and office manager in Gordon's offices.
4. At all times material to this Information, Gordon maintained an "Interest on Lawyers' Trust Account" (the "IOLTA account").
5. At all times material to this Information, Gordon maintained the IOLTA Account at Citizens Bank of Massachusetts. Citizens identified the IOLTA Account with the title "Robert K. Gordon, Esq. IOLTA Client Funds Account" and with the account number 110421-713-6.

6. At all times material to this Information, BAKER was a signatory on the IOLTA Account. BAKER had custody of the checkbooks for the IOLTA Account.

7. At all times material to this Information, Citizens mailed the statements for the IOLTA Account care of BAKER to her home address in Whitman. Specifically, Citizens mailed the statements for the IOLTA Account "C-O Baker, 163 Windsor Drive, Whitman, MA 02382."

8. At all times material to this Information, BAKER maintained personal bank accounts at Abington Savings Bank, including an account numbered 882046006 (hereafter, "Account No. 882046006").

9. From at least 1997 through February 1999, BAKER engaged in a scheme to defraud whereby she misappropriated from the IOLTA Account in excess of \$100,000. BAKER accomplished this principally by using her signature authority on the IOLTA Account to write checks from those accounts made payable to herself personally and then depositing the checks into Account No. 882046006.

10. The dollar amounts on the checks that BAKER improperly made payable either to herself or her personal creditors ranged from less than \$100 to approximately \$5,000. The total dollar amount of the misappropriated funds for the duration of the scheme was in excess of \$100,000.

11. BAKER spent substantial amounts of the misappropriated IOLTA Account funds gambling at Foxwoods Casino & Resort in Mashantucket, Connecticut and Mohegan Sun Casino in Uncasville, Connecticut.

COUNTS ONE THROUGH THREE

Mail Fraud
18 U.S.C. § 1341

12. The United States Attorney re-alleges and incorporates by reference paragraphs 1-11 of this Information and further charges that:

13. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant ELIZABETH W. BAKER, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing and attempting to do so, did take and receive matters and things sent and delivered by the United States Postal Service, and knowingly caused to be delivered by the United States Postal Service mail such matters and things, as follows:

<u>COUNT</u>	<u>DESCRIPTION</u>
1.	Citizens statement and original checks for IOLTA Account mailed on or about November 30, 1998 "C-O Baker, 163 Windsor Drive, Whitman, MA 02382" and including Check No. 2608 made payable to Elizabeth Baker.
2.	Citizens statement and original checks for IOLTA Account mailed on or about December 31, 1998 "C-O Baker, 163 Windsor Drive, Whitman, MA 02382" and including Check Nos. 2620, 2624, 2625, 2626, 2632, 2638, 2641, 2645, 2650, and 2657 made payable to Elizabeth Baker.
3.	Citizens statement and original checks for IOLTA Account mailed on or about January 31, 1999 "C-O Baker, 163 Windsor Drive, Whitman, MA 02382" and including Check No. 2662 made payable to Elizabeth Baker.

All in violation of Title 18, United States Code, Section 1341.

COUNT FOUR
Interstate Transportation of Stolen Property
18 U.S.C. § 2314

14. The United States Attorney re-alleges and incorporates by reference paragraphs 1-11 of this Information and further charges that:

15. On or about the various dates set forth below, the defendant herein, ELIZABETH W. BAKER, transported, transmitted and transferred in interstate or foreign commerce any securities and money of the value of \$5,000 or more, knowing the same to have been stolen, converted and taken by fraud, including the following securities and money:

Date	Description
12/3/98	Check No. 809 for \$1,000 drawn on Account No. 882046006 made payable to M.P.G.E.
12/3/98	Check No. 808 for \$1,000 drawn on Account No. 882046006 made payable to M.T.G.A.
12/17/98	Check No. 839 for \$1,000 drawn on Account No. 882046006 made payable to M.T.G.A.
12/17/98	Check No. 840 for \$1,000 drawn on Account No. 882046006 made payable to M.P.G.E.
12/18/98	ATM Withdrawal of \$500 from Account No. 882046006 made at 67 Sandy Desert Road, Uncasville, Connecticut.
12/31/98	Check No. 857 for \$1,000 drawn on Account No. 882046006 made payable to M.T.G.A.
1/1/99	ATM Withdrawal of \$500 from Account No. 882046006 made at Route 2, GR. Pequot, Ledyard, Connecticut.
1/1/99	Check No. 755 for \$700 drawn on Account No. 882046006 made payable to M.P.G.E.
1/1/99	Check No. 858 for \$300 drawn on Account No. 882046006 made payable to M.P.G.E..
1/15/99	ATM Withdrawal of \$500 from Account No. 882046006 made at 67 Sandy Desert Road, Uncasville, Connecticut.

1/15/99 Check No. 874 for \$1,000 drawn on Account No. 882046006 made payable to M.T.G.A.

1/24/99 Check No. 899 for \$900 drawn on Account No. 882046006 made payable to M.P.G.E.

2/4/99 Check No. 919 for \$1,000 drawn on Account No. 882046006 made payable to M.P.G.E.

2/4/99 Check No. 918 for \$1,000 drawn on Account No. 882046006 made payable to M.T.G.A.

2/4/99 ATM Withdrawal of \$500 from Account No. 882046006 made at 67 Sandy Desert Road, Uncasville, Connecticut.

2/10/99 Check No. 925 for \$1,000 drawn on Account No. 882046006 made payable to M.P.G.E..

2/10/99 Check No. 660 for \$1,000 drawn on Account No. 882046006 made payable to M.T.G.A.

2/21/99 Check No. 934 for \$1,000 drawn on Account No. 882046006 made payable to M.P.G.E.

All in violation of 18 U.S.C. § 2314.

MICHAEL J. SULLIVAN

UNITED STATES ATTORNEY



Jack W. Pirozzolo

Assistant United States Attorney

DISTRICT OF MASSACHUSETTS April 8, 2004